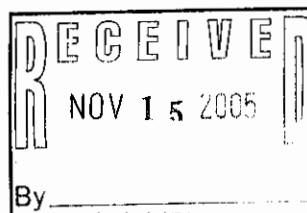


PROB 12C
Rev 2/03

United States District Court

for

Southern District of Ohio

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: **Dana Maurice Ward** Case Number: **1:01CR00049**

Name of Sentencing Judicial Officer: **The Honorable Susan J. Diott,
United States District Judge**

Date of Original Sentence: **December 4, 2001**

Original Offense: **Making a False Claim in violation of 18 U.S.C. § 287, a Class D Felony.**

Original Sentence: **36 month(s) probation**

Type of Supervision: **Probation** Date Supervision Commenced: **December 4, 2001**

Assistant U.S. Attorney: **Kathy Brinkman, Esq.** Defense Attorney: **Richard Smith-Monahan, Esq.**

PETITIONING THE COURT

- ☐ To issue a warrant
- ☐ To issue an Order to Appear and Show Cause
- ☒ To grant an exception to revocation without a hearing.

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

#1

Condition #7: You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;

On May 31, 2005, July 6, 2005, August 9, 2005, September 21, 2005 and October 19, 2005, Ward submitted urine specimens which returned positive for usage of Marijuana. Ward admitted to usage in each instance. Therefore, there is a total of five positive specimens within the last year. It should be noted that the last two positive urine specimens were reported by the substance abuse program at the same time.

18 USC 3583(g)(4) requires revocation for submitting more than three positive urine specimens within the same 365 day time period. However, 18 USC 3583(d) allows for an exception to revocation.

On August 30, 2005, this officer referred Ward to the Volunteers of America Substance Abuse Program, after his third positive urine specimen. While in the program, the defendant got two additional positive urine specimens for marijuana. The defendant's substance abuse counselor has agreed to continue working with Ward. This officer and the Supervising United States

Probation Officer had a conference with Ward to counsel him on the seriousness and the consequences of his continual use of illegal substances.

Because the defendant admitted his use, the result of our conference and the substance abuse program's willingness to continue to work with the defendant, this officer respectfully recommends the Court grant the exception clause pursuant to 18 USC 3583(d) and also grant the modification as stated below.

U.S. Probation Officer Recommendation:

The term of supervision should be

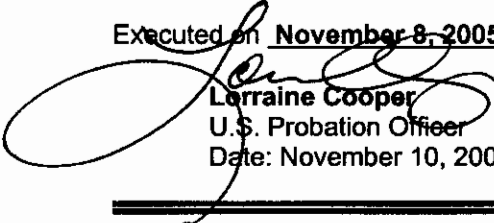
- ☐ Revoked.
☐ Extended for years, for a total term of years.
☒ Continued based upon the exception to revocation under 18 USC 3583(d)
☐ The conditions of supervision should be modified as follows:

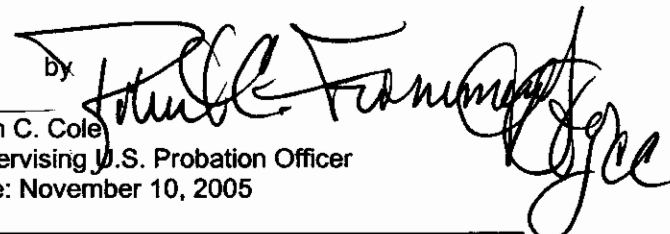
I declare under penalty of perjury that the foregoing is true and correct.

Approved,

Executed on November 8, 2005

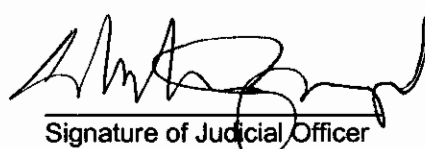
by


Lorraine Cooper
 U.S. Probation Officer
 Date: November 10, 2005


John C. Cole
 Supervising U.S. Probation Officer
 Date: November 10, 2005

THE COURT ORDERS:

- ☐ No Action
☐ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest.
☐ The Issuance of an Order to Appear and Show Cause
☒ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
☐ Other


 Signature of Judicial Officer

11/16/05
 Date